

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

ZACHARY CRUZ,
MICHEAL DONOVAN,
and RICHARD MOORE

Plaintiffs,

v.

Civil Action No. 5:21-cv-00072 EKD

DUANE LEE CHAPMAN,
LYSSA CHAPMAN,
DAVID BAYRE BRIGGMAN,
LINDSAY COMBS,
JANE COLLINS, and
JOHN DOES 1-8.

Defendants.

PLAINTIFF'S STIPULATION OF DISMISSAL, NOTICE OF DISMISSAL (RULE 41)

NOW COMES Plaintiffs in this action, pursuant to Rule 41(a)(1)(A)(ii), Federal Rules of Civil Procedure, and files this Stipulation of Dismissal with prejudice as to the Defendants Jane Collins, and as to the United States of America. Counsel certifies that those Defendants have given consent hereto, in compliance with the above Rule, and the Local Rules of this Court. Plaintiff notes that Defendant Briggman first gave, and then withdrew his consent to this Stipulation in two separate communications. Likewise, Counsel for the Chapman Defendants declined to give consent for his clients.

In addition, and/or in the alternative, Plaintiffs, pursuant to Rule 41(a)(1)(A)(i), Federal Rules of Civil Procedure, hereby file this Notice of Dismissal, dismissing this case in its entirety as to all remaining Defendants without prejudice to refiling, where none of the Defendants have

Answered, and no Defendant has filed a Motion for Summary Judgment. See Rule

41(a)(1)(A)(i), Fed R. Civ P.

We Ask For This:

ZACHARY CRUZ,
MICHEAL DONOVAN,
and RICHARD MOORE

By and through Counsel

/s/ Christopher M. Okay

Christopher M. Okay, VSB#35611

Counsel for the Plaintiffs

Chris Okay, Attorney at Law
117 South Lewis Street, Suite 218
Staunton, Virginia 24401
(540) 466-3130
chrisokay@icloud.com

Seen and Agreed:

/s/ Elizabeth C. Wu

Elizabeth C. Wu, VSB No. 30057
Special Assistant U.S. Attorney
Acting Under Authority Conferred by
28 U.S.C. §515
Office of the United States Attorney
Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, Virginia 23219
Counsel For The United States

Seen and Agreed:

/s/ Jane Collins

Signature

(please print name of Counsel, as appropriate) _____ for Jane
Collins, Defendant
105 Wilson Court
Charlottesville, Virginia 22901

Seen and Agreed:

David B. Briggman, Defendant *Pro Se*
7556 Mountain Valley Road
Keezletown, Virginia 22832
briggman@gmail.com

Seen and Agreed:

Bradley G. Pollack Attorney at Law Virginia State Bar No. 25290
753 South Main Street
Woodstock, VA 22664
bgpollack@gmail.com
Counsel for Defendant Duane Lee and Lyssa Chapman

Seen and Agreed:

/s/ **Brian J. Brydges, Esq.**

Brian J. Brydges, Esq.
Johnson, Ayers & Mathews PLC
P.O. Box 2200
Roanoke, Virginia 24009
Counsel for Defendant Lindsay Combs

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the United States that on the 6th day of December 2021, I electronically filed the foregoing Stipulation of Dismissal, and Notice of Dismissal (Rule 41) with the Clerk of Court using the Court's CM/ECF system, which will send notification to Defendants' counsel and by electronic mail and U.S. Mail Service to those Defendants not yet approved for electronic filing:

Jessica D. Aber for
Elizabeth C. Wu, VSB No. 30057
Office of the United States Attorney
Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, Virginia 23219
Counsel For The United States

Jane Collins
105 Wilson Court
Charlottesville, Virginia 22901

David B. Briggman, *Pro Se*
7556 Mountain Valley Road
Keezletown, Virginia 22832
briggman@gmail.com

Bradley G. Pollack Attorney at Law Virginia State Bar No. 25290
753 South Main Street
Woodstock, VA 22664
bgpollack@gmail.com
Counsel for Defendant Duane Lee and Lyssa Chapman

Brian J. Brydges
Johnson, Ayers & Mathews PLC
P.O. Box 2200
Roanoke, Virginia 24009
Counsel for Defendant Lindsay Combs

/s/ Christopher M. Okay
Christopher M. Okay VSB#35611

Chris Okay, Attorney at Law
117 South Lewis Street, Suite 218
Staunton, Virginia 24401
(540) 466-3130
chrisokay@icloud.com